

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA

|                                |   |              |
|--------------------------------|---|--------------|
| CODY LIVERMAN,                 | ) |              |
|                                | ) |              |
| Plaintiff,                     | ) |              |
|                                | ) |              |
| vs.                            | ) | CV-00029-FHS |
|                                | ) |              |
| BOARD OF THE COUNTY            | ) |              |
| COMMISSIONERS OF BRYAN COUNTY, | ) |              |
| OKLAHOMA, and                  | ) |              |
|                                | ) |              |
| SHERIFF KEN GOLDEN.            | ) |              |
|                                | ) |              |
| Defendants.                    | ) |              |

**COMPLAINT**

**COME NOW**, the Plaintiff herein by and through his attorneys of record James Patrick Hunt and Gary Eaton and files this original complaint, stating claims for relief as follows.

**I. JURISDICTION AND VENUE**

1. This is an action arising under the laws of the United States of America, in particular Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Sec. 2000e-16, and the Civil Rights Act of 1991, 42 U.S.C. sec. 1981a.
2. The jurisdiction of this court is invoked pursuant to the provisions of Title VII, 42 U.S.C. sec. 2000(e)-5 and 2000e – 16(c), and the general civil rights jurisdictional provisions of 28 U.S.C. sec. 1343(a)(4).
3. This is an employment discrimination and retaliation case by a former employee of the Bryan County Sheriff's Office, State of Oklahoma alleging a continuing series of sexual harassment against him and retaliation for having complained of same.

4. The Defendants are the Board of County Commissioners and Sheriff Ken Golden.
5. Plaintiff seeks a declaration that the Defendants intentionally and unlawfully engaged in sexual harassment and retaliated against him for opposing such conduct, appropriate injunctive relief, lost pay, compensatory and punitive damages.

## **II. STATEMENT OF FACTS**

6. Plaintiff Cody Liverman was employed as a jailer by the Bryan County Sheriff's Office from July of 2013 until his termination in March of 2014.
7. At the time of the sexual harassment, Plaintiff worked under the supervision of Captain Jamie Newberry. Ms. Newberry was the chief administrator of the Bryan County jail.
8. Plaintiff worked under the supervision of Chief Warrant Officer Lisa Miller. Lisa Miller and Jaime Newberry started working together at the Bryan County jail at the same time. It is Plaintiff's understanding that Ms. Miller and Ms. Newberry had previously worked together at Grayson County prior to working at Bryan County jail. Plaintiff was told that Ms. Newberry and Ms. Miller came to Bryan County as a "package deal."
9. The Sheriff of Bryan County during this time was Ken Golden.
10. Shortly after Ms. Miller began working at the county jail, she massaged Plaintiff's shoulders and neck several times at the workplace. Ms. Miller also touched Plaintiff's stomach at least twice. Ms. Miller also repeatedly asked Plaintiff to take her to a basketball game in Oklahoma City and Plaintiff refused. The physical contact and request to escort Ms. Miller to a basketball game was not welcome or encouraged. Ms. Miller also called Plaintiff "sweetie."
11. Plaintiff reported this unwanted physical conduct to Captain Newberry through his chain of command.

12. Thereafter, Plaintiff was terminated on or about March 9th, 2014 by Captain Newberry. Plaintiff was told by Captain Newberry that he had been terminated for flirting with an inmate of the Bryan County jail. Ms. Miller was present when Captain Newberry terminated Plaintiff.

13. Plaintiff filed a complaint with Equal Employment Opportunity Commission (EEOC) on or about May 29, 2014. The EEOC issued a Notice of Suit Rights – Right to Sue letter on November 6, 2014.

### **FIRST CAUSE OF ACTION**

#### **SEXUAL HARASSMENT**

14. Plaintiff readopts and re-alleges each and every allegation contained in paragraphs 1 through 13 as if set forth herein.

15. Defendants have discriminated against Plaintiff and sexually harassed in violation of Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991.

### **SECOND CAUSE OF ACTION**

#### **RETALIATION**

16. Plaintiff readopts and re-alleges each and every allegation contained in paragraphs 1 through 15 as if set forth therein.

17. Defendants retaliated against Plaintiff when he complained about his supervisor's sexual harassment. This by itself was a violation of Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991

#### **PRAYER FOR RELIEF**

Plaintiff has suffered financial losses, humiliation, embarrassment, emotional pain, mental anguish, injury to his good name, and personal and professional reputation as a result of

the Defendant's illegal conduct. Plaintiff prays for relief requiring Defendants to compensate him for the damages he has suffered as a result of Defendant's illegal and tortuous conduct. Plaintiff prays for actual, compensatory, and punitive damages against the Defendants.

WHEREFORE, Plaintiff Cody Liverman prays for judgment on the foregoing claims and for all sums due with pre and post judgment interest hereon, all costs and attorney fees associated with this matter, to and including actual, compensatory and punitive damages against Defendants Bryan County Board of Commissioners and Sheriff Ken Golden.

Respectfully submitted,

\_\_\_\_\_/s/ James P. Hunt\_\_\_\_\_  
James Patrick Hunt, OBA # 15559  
406 S. Boulder, Ste. 400  
Tulsa, OK 74103  
Telephone: (918) 497-9159  
Fax: (918) 582-6106  
[jamesphunt@earthlink.net](mailto:jamesphunt@earthlink.net)

\_\_\_\_\_/s/ Gary Eaton\_\_\_\_\_  
Gary A. Eaton, OBA #  
Eaton and Sparks  
1717 East 15<sup>th</sup> Street  
Tulsa, OK 74104  
[GaryEaton@aol.com](mailto:GaryEaton@aol.com)

**JURY TRIAL DEMANDED  
ATTORNEY'S LIEN CLAIMED**